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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

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UNIVERSITY OF UTAH RESEARCH FOUNDATION, a Utah nonprofit corporation; the TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA, a Pennsylvania nonprofit corporation; HSC RESEARCH AND DEVELOPMENT LIMITED PARTNERSHIP, a Canadian limited partnership organized under the laws of the Province of Ontario; ENDORECHERCHE, INC., a Canadian corporation organized under the laws of the Province of Quebec; and MYRIAD GENETICS, INC., a Delaware corporation;

Plaintiffs,

vs.

AMBRY GENETICS CORPORATION,  
Defendant.

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**DECLARATION OF WILLIAM G. GAEDE, III IN SUPPORT OF DEFENDANT AMBRY GENETIC CORPORATION'S OPPOSITION TO PLAINTIFF'S MOTION FOR RECONSIDERATION OF THE COURT'S ORDER GRANTING DEFENDANT AMBRY GENETIC CORPORATION'S MOTION TO EXTEND THE TIME PERIOD TO RESPOND TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

CASE No. 2:13-cv-00640-RJS

Judge: Robert J. Shelby

I, William G. Gaede, III, declare as follows:

1. I am a partner with McDermott Will & Emery LLP and counsel of record for Ambry Genetics Corporation (“Ambry”) in the above-captioned matter. I have knowledge of the following, and if called as a witness, could and would testify competently to the contents herein.

2. Attached hereto as Exhibit 1 is a true and correct copy of a letter from the American Society for Clinical Pathology to the U.S. Patent & Trademark Office (“USPTO”), dated February 16, 2012, providing the American Society for Clinical Pathology’s written comments regarding the harm caused by gene patenting, including by Myriad’s gene patenting. The letter was submitted in response the USPTO’s Request for Comments and Notice of Public Hearings on Genetic Diagnostic Testing, Fed. Reg. Vol. 77, No. 16, January 25, 2012.

3. Attached hereto as Exhibit 2 is a true and correct copy of the article, “After Patent Ruling, Availability of Gene Tests Could Broaden,” by Andrew Pollack, published in the New York Times on June 13, 2013. The article describes the effect of the Supreme Court ruling in *Association for Molecular Pathology v. Myriad Genetics, Inc.*, 133 S. Ct. 2107 (June 13, 2013) (“AMP v. Myriad”), including that “[t]he ruling in effect ends a nearly two-decade monopoly by Myriad Genetics, the company at the center of the case.”

4. Attached hereto as Exhibit 3 is a true and correct copy of the article, “You can’t patent human genes. So why are genetic testing companies getting sued?” by Timothy B. Lee, published in the Wonkblog of the Washington Post on July 12, 2013.

I declare under penalty of perjury under the laws of the United States of America and the State of Utah that the foregoing is true and correct.

EXECUTED this 22nd day of July, 2013 at Menlo Park, California.



William G. Gaede, III

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 22nd day of July, 2013, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court and delivered by CM/ECF and by the method(s) indicated below to the following:

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/s/ Edgar R. Cataxinos

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